

REMARKS/ARGUMENTS

Reconsideration and withdrawal of the rejection of the application are respectfully requested in view of the amendments and remarks herewith, which place the application into condition for allowance. The present amendment is being made to facilitate prosecution of the application.

I. STATUS OF THE CLAIMS AND FORMAL MATTERS

Claims 1-9, 11-35, 37-41, and 43-50 are currently pending. Claims 1, 5, 7, 9, 11, 32-35, 37-41, 43, and 47, which are independent, are hereby amended. Support for the newly added claims is provided throughout the Specification, specifically at page 43, lines 19-23.

No new matter has been introduced. It is submitted that these claims, as originally presented, were in full compliance with the requirements of 35 U.S.C. §112. Changes to claims are not made for the purpose of patentability within the meaning of 35 U.S.C. §101, §102, §103, or §112. Rather, these changes are made simply for clarification and to round out the scope of protection to which Applicants are entitled.

II. SUPPORT FOR THIS AMENDMENT

Citations to Figures and Specification locations are provided. However, such citations are provided merely as examples and are not intended to limit the interpretation of the claims or to evidence or create any estoppel.

As an example, support of the amendment can be found at page 43, lines 19-23, which is reproduced as follows:

Page 43, lines 19-23, “FIGs 5 to 8 illustrate the property track 91, text track 82, thumbnail track 83, and intro track 84, respectively. To each of them, relative positions (RBP: Relative Byte Number) of start bytes and data lengths of corresponding chunks are allocated.”

III. REJECTIONS UNDER 35 U.S.C. §103(a)

Claims 1-9, 11-35, 37-41, and 43-49 were rejected under 35 U.S.C. §103(a) as allegedly unpatentable over U.S. Patent No. 6,144,969 to Inokuchi et al. (hereinafter, merely “Inokuchi”) in view of U.S. Patent No. 5,440,401 to Parulski et al. (hereinafter, merely “Parulski”).

Claim 50 was rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Inokuchi in view of Parulski and further in view of U.S. Patent Application No. 2003/001904 to Rosen et al. (hereinafter, merely “Rosen”).

IV. RESPONSE TO REJECTIONS

Claim 1 recites, *inter alia*:

“A recording apparatus for recording video files and audio files on a recording medium, comprising:

...classification means for classifying the block of extracted information included in each entry according to the plurality of attributes,

wherein each of the respective files corresponding to a predetermined attribute selected from the plurality of attributes, and each of the plurality of respective files stores starting bytes and data lengths of entries corresponding to the predetermined attribute,

wherein the plurality attributes include a property attribute, a text attribute, a thumbnail attribute, and an audio attribute.”
(emphasis added)

The Office Action concedes that Inokuchi fails to disclose or suggest the above-identified features of claim 1 and relies on Column 5, lines 50-56 of Parulski to reject **“classification means for classifying the block of extracted information included in each entry according to the plurality of attributes,”** as recited in claim 1. The cited portion of Parulski describes:

When the montage button 210 (FIG. 1) is pressed by the user, the CD reader moves to the index file data track and reads some of the data from the index image records into memory. Depending on the number of stored images indicated by the index file 31 (FIG. 2), either a single montage, or a plurality of montage images, may be stored into memory 50. In order to produce a montage of up to four images, as diagrammatically illustrated in FIG. 7, the four 256×384 low resolution records are read into memory 50 in such a manner that the first image 401 is placed in the upper left corner, the second image 402 is placed in the upper right corner, the third image 403 is placed in the lower left corner and the fourth image 404 is placed in the lower right corner. Text generator 62 overlays the numbers of the four images in the appropriate locations. Because the data for these four images is all stored together in index image file 31 shown in FIG. 2, the montage is created much faster than if the low resolution image information had to be retrieved from the four high resolution files 32-1, 32-2, 32-3 and 32-4, since the time required by the CD reader to access these four files is four times as long as the time required to access the single index image file.

The Office Action (see page 24) interprets the cited portion of Parulski as “in order to display the full screen, the block of retrieved images are being classified as first index, second index etc”. Applicants respectfully point out that the Office Action incorrectly interprets each index image of Parulski as an attribute. Parulski generates an index file having low resolution images and displays the low resolution images one by one. Parulski stores the low resolution images in the index files as it is without any further classification. The Office Action actually treats each image as an attribute in order to reject the above-identified features of claim

1. Such an interpretation is not disclosed in Parulski and is not obvious to a person of ordinary skill in the art. Applicants submit that the Office Action's interpretation is based on speculation.

Furthermore, Applicants respectfully submit that nothing in Inokuchi and Parluski discloses or renders predictable that **“wherein each of the respective files corresponding to a predetermined attribute selected from the plurality of attributes, and each of the plurality of respective files stores starting bytes and data lengths of entries corresponding to the predetermined attribute,”** and **“wherein the plurality attributes include a property attribute, a text attribute, a thumbnail attribute, and an audio attribute,”** as recited in claim 1.

Therefore, Applicants submit that independent claim 1 is patentable.

For reasons similar to those described above with regard to independent claims 5, 7, 9, 11, 32-35, 36-41, 43, and 47 are also patentable.

Claim 50 recites, *inter alia*:

wherein the index file has an organization substantially the same as that of a QuickTime Movie file. (emphasis added)

The Office Action (see page 21) concedes that Inokuchi and Parulski fail to disclose or render predictable the above-identified features of claim 50 and relies on paragraph [0045] of Rosen to reject **“wherein the index file has an organization substantially the same as that of a QuickTime Movie file,”** as recited in claim 50. Applicants respectfully disagree.

Rosen describes a player that converts videos among different formats. A converted video may have the same format as a QuickTime Movie file. However, nothing in Rose discloses or renders predictable generating **an index file** of the converted videos or

unconverted videos so that “**the index file** has an organization substantially the same as that of a QuickTime Movie file,” as recited in claim 50.

Therefore, Applicants submit that claim 50 is patentable over Inokuchi, Parulski, and Rosen.

V. DEPENDENT CLAIMS

The other claims are dependent from one of the independent claims, discussed above, and are therefore believed patentable for at least the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

Similarly, because Applicants maintain that all claims are allowable for at least the reasons presented hereinabove, in the interests of brevity, this response does not comment on each and every comment made by the Examiner in the Office Action. This should not be taken as acquiescence of the substance of those comments, and Applicants reserve the right to address such comments.

CONCLUSION


In the event the Examiner disagrees with any of statements appearing above with respect to the disclosure in the cited reference or references, it is respectfully requested that the Examiner specifically indicate those portions of the reference or references providing the basis for a contrary view.

Please charge any additional fees that may be needed, and credit any overpayment, to our Deposit Account No. 50-0320.

In view of the foregoing amendments and remarks, it is believed that claim 4 is patentable and Applicants respectfully request early passage to issue of the present application.

Respectfully submitted,

FROMMER LAWRENCE & HAUG LLP
Attorneys for Applicants

By 
Thomas F. Presson
Reg. No. 41,442
(212) 588-0800